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Paper No. 16

STEPHEN L KRUSKAMP
5112 KENNETH AVE
CARMICHAEL CA 95610

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OFFICE OF PETITIONS

In re Patent No. 5,839,152	:	
Issue Date: November 24, 1998	:	
Application No. 08/759,330	:	DECISION ON PETITION
Filed: December 2, 1996	:	
Title: Apparatus for Cleaning	:	
Trowel Blades	:	

This is a decision on the paper filed August 16, 2010, which is being treated as a renewed petition under 37 C.F.R. §1.378(b), due to the fact that petitioner paid the required \$400 fee for seeking reconsideration.

The petition is DISMISSED as untimely filed.

Procedural History:

- The above-identified patent issued on November 24, 1998.
- The second maintenance fee could have been timely paid during the period from November 24, 2005 through May 24, 2006, or with a late payment surcharge during the period from May 25, 2006 through November 24, 2006.
- No maintenance fee having been received, the patent expired on November 25, 2006.
- The twenty-four month period for filing a petition to accept the unintentionally delayed payment of the maintenance fee expired on November 24, 2008.
- Patentee filed a petition to accept the unavoidably delayed payment of the maintenance fee on December 7, 2009.


- The petition was dismissed in a decision mailed on May 17, 2010. The decision set a two (2) month period to file a request for reconsideration, accompanied by the required \$400 fee.
- Patentee filed the instant request for reconsideration on August 16, 2010, and submitted the fee for a one month extension of time.

Decision:

The May 17, 2010 decision set a two (2) month period in which to request reconsideration. This two month period was not extendable. Accordingly, the instant petition is dismissed as untimely filed.

Since this patent will not be reinstated, the \$1940 submitted by petitioner for the maintenance fee and surcharge, the \$400 fee for requesting reconsideration, and the \$65 for the one month extension of time are being refunded under separate cover.

Telephone inquiries concerning this communication should be directed to Petitions Attorney Cliff Congo at 571-272-3207.



Anthony Knight
Director
Office of Petitions